

JOHN TUDOR.

MARCH 3, 1910.—Ordered to be printed.

Mr. BULKELEY, from the Committee on Military Affairs, submitted the following

ADVERSE REPORT.

[To accompany S. 2470.]

The Committee on Military Affairs, to whom was referred the bill (S. 2470) to correct the military record of John Tudor, have given the same careful consideration and report it back with an unfavorable recommendation and ask that it be indefinitely postponed.

This soldier enlisted in Company I, First Kentucky Volunteer Cavalry, September 1, 1861, and was mustered October 28, 1861, to serve three years. On the muster roll of February 28, 1862, he is reported "absent without leave;" on the muster roll of April 30, 1862, reported "absent with leave;" on the muster roll of June 30, 1862, soldier is reported "present;" and on the muster roll of September 1, 1862, the soldier is charged with deserting at Bowling Green, Ky., never thereafter returning to his command, which remained in service until December 31, 1864.

The soldier has never made application to the War Department for the correction of his military record under the law provided for such purposes, nor does he explain in any satisfactory manner in any of the papers filed with your committee ameliorating circumstances of his failure to return to his regiment.

In this connection attention is respectfully invited to the transcript of his military record as furnished by the War Department, together with sundry affidavits filed with your committee, which are made a part of this report.

Case of John Tudor, late of Company I, First Kentucky Volunteer Cavalry.

It is shown by the records that John Tudor was enrolled September 1, 1861, and was mustered into service October 28, 1861, as a private in Company I, First Kentucky Cavalry, to serve three years. He was reported on the company muster roll dated February 28, 1862, as absent without leave; on the company muster roll dated April 30, 1862, as absent with leave; and on muster roll dated June 30, 1862, as

present. He deserted September 1, 1862, at Bowling Green, Ky., never thereafter rejoining his command, which remained in service until December 31, 1864.

No application for removal of the charge of desertion in this case has ever been presented to this department, and in the absence of a statement setting forth the circumstances under which the soldier left his command and the reasons for his failure to return thereto, it can not be determined whether the case is embraced within the provisions of the act of Congress approved March 2, 1889, the law governing the subject of removal of charges of desertion.

Respectfully submitted.

F. C. AINSWORTH,
The Adjutant-General.

WAR DEPARTMENT,
The ADJUTANT-GENERAL'S OFFICE,
March 25, 1908.

The SECRETARY OF WAR.

Personally appeared before me, a notary public in and for the county of Madison and State of Kentucky, John Tudor, of same county and State, and who, being duly sworn, states: That he was a private in Company I, First Kentucky Cavalry, and served almost three (3) years; that he never left the regiment with the intention of deserting; that the regiment went south while I was temporarily absent, and then I could not conveniently get back, being dismounted at the time.

March 17, 1908.

JOHN (his x mark) TUDOR.

Attest:

J. W. TUDOR.

J. LE POND.

[SEAL.]

H. S. NEWLON, *Notary Public.*

My commission expires the end of the next senate.

STATE OF KENTUCKY, *County of Madison:*

Personally appeared before me, a notary public in and for said county and State, John Tudor, of Company I, First Kentucky Cavalry, and who, being duly sworn, states in his own behalf that when the regiment was ordered down South from some point in Kentucky, but don't remember just where from, they left me behind, dismounted, someone having stole my horse; that his captain did not remount him, and consequently could not keep up; that he never was remounted.

JOHN (his x mark) TUDOR.

Attest:

J. W. TUDOR.

Sworn to before me by John Tudor this September 2, 1909.

[SEAL.]

H. S. NEWLON, *Notary Public.*

My commission expires the end of the next senate.

Personally appeared before me, Lewis Masters, of Madison County, Ky., a notary public in and for said county and State, who, being duly sworn, states that he is acquainted with John Tudor now; that he also knew him in his regiment, the First Kentucky Cavalry; that he did service in said regiment; that I don't believe he absented himself on purpose to desert.

LEWIS (his x mark) MASTERS.

This above statement by Lewis Masters; he says that it is true to the best of his knowledge.

Sworn to before me this 16th day of March, 1908.

[SEAL.]

WM. JENKINS, *Notary Public.*

My commission expires January 8, 1910.

STATE OF KENTUCKY, *County of Madison.*

Personally appeared before me, a notary public in and for said State and county, Lewis Masters, who belonged to Company K, First Kentucky Cavalry, and who, being duly sworn, states that he is well acquainted with John Tudor and knows that he belonged to Company I, First Kentucky Cavalry; that when the regiment was ordered South we left him in camp without a horse; that we left him in place of him leaving us; that he made a good soldier; that he does not consider it a case of desertion; that he (John Tudor) was not remounted by his captain, so could not keep up with the regiment.

LEWIS (his x mark) MASTERS.

Attest:

J. W. TUDOR.

Subscribed and sworn to before me by Lewis Masters this August 25, 1909.

[SEAL.]

H. S. NEWLON, *Notary Public.*

My commission expires the end of the next senate.

Personally appeared before me, a notary public in and for the county of Madison and State of Kentucky, John L. Pond, a private in Company G, First Kentucky Cavalry, who, being duly sworn, states that he knew John Tudor of Company I, First Kentucky Cavalry; that he served quite a while in said company and regiment; that he don't believe he, the said Tudor, deserted with the intention of staying away; that the regiment moved South and left him, being dismounted; consequently could not conveniently get back.

J. L. POND.

H. S. NEWLON, *Notary Public.*

[SEAL.]

My commission expires the end of the next senate.

MARCH 17, 1908.

STATE OF KENTUCKY, *County of Madison:*

Personally appeared before me, a notary public in and for the county and State aforesaid, John L. Pond, of Kirksville, Madison County, Ky., of Company G, First Kentucky Cavalry, a credible witness, and who, being duly sworn, states that he is well acquainted with John Tudor, of Company I, First Kentucky Cavalry; that he belonged to the same regiment; that said John Tudor had his horse stolen or was left dismounted in camp when we were ordered south; that we left him in place of him leaving us; that, being dismounted and not being remounted by the captain, did not desert, but was left by command to do the best he could; that he don't think it a case of desertion.

JOHN F. POND.

Subscribed and sworn to before me by John L. Pond this September 24, 1909.

[SEAL.]

H. S. NEWLON, *Notary Public.*

My commission expires the end of the next senate.



